

REGULAR MEETING of the Burrillville Town Council held Wednesday, January 13, 2010 at 7:00 P.M. in the Town Council Chambers, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

MEMBERS ABSENT: None

1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.

2. VOTED to accept the minutes of the regular meeting held December 9, 2009, and the special meeting held November 18, 2009; and dispense with the reading of said minutes.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

Councilor Norman C. Mainville extended wishes for a happy New Year.

Councilor Norman C. Mainville spoke of the tragic death of Mason Boltrushek in a traffic accident on Route 102 on Saturday, January 2, 2010. Councilor Mainville expressed condolences to the Boltrushek family on behalf of the Town Council and himself.

Councilor Norman C. Mainville commented on the house fire on Harrisville Main St. on Tuesday January 5, 2010, commending emergency workers on a job well done.

Councilor Norman C. Mainville announced the point of distribution for the H1N1 vaccine on January 16, 2010 at the Burrillville High School from 9:00 A.M. to 1:00 P.M. Councilor Mainville recognized the planning and preparation of Jason Rhodes, Burrillville Emergency Management Agency Director. Councilor Mainville also congratulated Mr. Rhodes on his role in the regional H1N1 clinic program.

Councilor Norman C. Mainville acknowledged the Pascoag Utility District, which planned to lower electric rates.

Councilor Norman C. Mainville recognized Paul Barrette, Burrillville School Department Director of Technology for his assistance to the North Smithfield School Department in establishing their website.

Councilor Margaret L. Dudley announced the schedule of spay and neuter clinics for cats at a cost of \$75.00. Councilor Dudley noted that preregistration is required with the veterinarian.

Councilor Margaret L. Dudley announced a bus trip to Foxwoods sponsored by the Department of Parks and Recreation on March 20, 2010 at a cost of \$20.00.

Councilor Margaret L. Dudley mentioned the 90th birthday of former governor Bruce Sundlun. Councilor Dudley announced the 93rd birthday of Ray George of Burrillville, encouraging residents to wish Mr. George a happy birthday.

Councilor Kevin D. Heitke announced that he would be hosting the first Ten in Sixty forum scheduled for Wednesday, January 20, 2010 at 6:30 P.M.at the Jesse M. Smith Memorial Library. Councilor Heitke explained the program, noting that Councilors and administrators would be present on a rotating basis to answer questions posed by the public. Councilor Heitke requested that questions be submitted beforehand through the office of the town clerk.

Michael C. Wood, Town Manager, congratulated Councilor Wallace F. Lees on his birthday.

Mr. Wood recognized members of staff who had volunteered to work

at the H1N1 clinic scheduled for Saturday, January 16, 2010.

Mr. Wood noted that the town's camera, which would be used to record and stream meetings on-line, was operating for a final trial run. The video would be archived on the town website.

5. Petitions: None

6. Special Business:

10-001 VOTED to adopt a resolution honoring Andre Guilbert for elevation to the rank of Eagle Scout, as follows:

Burrillville Town Council

Proclamation

WHEREAS, Andre Guilbert has been a member of the Boy Scout Troop 100 Pascoag for close to five years. Throughout his scouting career, Andre has spent significant time and effort working to help his community and Scouting District and has performed more than 48 hours of community service ; and

WHEREAS, Andre has also served as Assistant Patrol Leader, Patrol Leader, Senior Patrol Leader, Troop Guide and Assistant Scout Master; and

WHEREAS, Additionally, Andre has completed White Stag Leadership training and was elected to the Order of the Arrow in March 2008; and

WHEREAS, Among his other accomplishments in the Boy Scouts, Andre has accrued 120 nights of camping including a fifteen day High Adventure at the Philmont Scout Ranch in Cimarron, New Mexico; and

WHEREAS, Andre Guilbert recently completed his journey toward Eagle Scout by undertaking the project of building and installing a 196 foot fence on the property of St. Joseph's Church in Pascoag, Rhode Island. This fence protects the field from vehicular traffic, thereby helping to maintain a level of usability for the students at Father Holland School; and

WHEREAS, Andre Guilbert is currently a high school honor student and looks forward to furthering his education; and

WHEREAS, On this day, Andre Guilbert is being elevated to the level of Eagle Scout and the Town Council of the Town of Burrillville congratulates him on his achievement.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville on this 17th day of January, 2010 do hereby honor and commend Andre Guilbert for the successful elevation to the rank of Eagle Scout and all of the accomplishments that entails and wish him well on his advancement through the ranks of the Boy Scouts and in all of his future endeavors.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees,

Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-002 VOTED to open discusstion of a resolution in support of the efforts of the Rhode Island National Guard to continue to investigate the feasibility of relocating the Regional Training Institute to the Town of Burrillville.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Discussion: Colonel Richard Keene appeared on behalf of Major General Robert T. Bray, extended the appreciation of the Rhode Island National Guard. Colonel Keene was presented with the following resolution by Council President Nancy F. Binns.

Burrillville Town Council Resolution

Supporting Consideration of a Rhode Island National Guard Regional Training Institute Relocation Proposal

WHEREAS, the Rhode Island National Guard is advancing a proposal for the relocation of the Rhode Island National Guard Regional Training Institute (RTI) to state property in the Town of Burrillville;

and

WHEREAS, the Rhode Island National Guard suggests that the Regional Training Institute campus would contribute to the good and welfare of the Town of Burrillville not only economically but also by allowing non-profit and civic organizations to use all of its facilities; and

WHEREAS, Rhode Island National Guard maintains a Good Neighbor Policy to address and attempt to resolve problems and concerns raised by neighbors; and

WHEREAS, the Rhode Island National Guard asserts that the presence of the Regional Training Institute campus will not change property values or public access to the Buck Hill Management Area; and

WHEREAS, the Rhode Island National Guard intends to attempt to secure federal funding to make necessary improvements to the hospital sewer system as part of the project.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville on this 13th day of January 2010 do hereby support the efforts of the Rhode Island National Guard to continue to investigate the feasibility of relocating the Rhode Island National Guard Regional Training Institute (RTI) to state property in the Town of Burrillville.

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the

motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-003 VOTED to grant the renewal of rubbish licenses for the following in accordance with and subject to the provisions of Chapter 8, Article 5 of the Ordinances of the Town of Burrillville entitled Transporting Garbage or Rubbish, for a period of one year commencing January 1, 2010 and ending December 31, 2010 (License Fee \$25.00 per vehicle; Bond \$1,000.00.)

Allied Waste Services, 1080 Airport Road, Fall River, MA 02720

**Rambone Disposal Services, Inc., 2153 Rear Plainfield Pike,
Johnston, RI 02919**

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Robert A. Bishop. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

7. Public Hearings

10-004 Relative to considering and acting upon declaring that Guay Street in the Town of Burrillville is a Public Highway, said Guay Street is set forth in the revised plan.

Notes:

- Notice was personally sent to all abutting property owners by certified mail, in accordance with the provisions of RIGL §24-2-1.
- Notice of the hearing was advertised in the legal section of the Woonsocket Call on Wednesday, October 21, 2009.
- An information session was held prior to the public hearing at 6:30 P.M. on October 28, 2009. Representatives of the Public Works Department were available to answer any questions.
- The public hearing was called to order on October 28, 2009. The hearing was continued to November 18, 2009 and then continued to January 13, 2010 by vote of the Town Council.

A. Legal analysis from Town Solicitor Timothy F. Kane.

Timothy F. Kane, Town Solicitor, observed that the town had followed the procedure as set out in state law for accepting town roads.

B. November 18, 2009 testimony from Paul Cahill, Acting Director of the Department of Public Works, as follows:

Guay Street has been maintained by Burrillville Public works for at least 20 years with minor maintenance that includes plowing, sanding and sweeping of Guay Street.

C. November 5, 2009 correspondence from Richard Lipsitz, PLS,

Waterman Engineering Company, relative to the Right of Way Survey, Guay Street, Burrillville, as follows:

As requested by the Town, Waterman Engineering Company conducted the right-of-way survey required by State statute of Guay Street. This survey is to accompany the Right of Way acceptance resolution of the Town Council. The results of that survey are shown in the plan entitled

“Right of Way Plan, Guay Street, Burrillville, Rhode Island, Prepared For: Town of Burrillville, 105 Harrisville Main Street, Harrisville, Rhode Island 02830, Project No. 08-062 Scale: 1”=30’, Date: 09/08/08, Waterman Engineering Co. Richard S. Lipsitz, P.L.S. No. 1837.”

Copies of this plan have been provided to the town, along with a proposed property description for the solicitor’s use in preparing documents. If you need any additional information, please contact this office.

D. Public Comment: None

E. VOTED to close the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees,

Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

F. Town Council Members Comments/Input/Deliberation: None

G. Consider and act on declaring that Guay Street in the Town of Burrillville is a Public Highway.

MOTION to adopt a resolution declaring Guay Street in the Town of Burrillville a Public Highway:

The Town Council of the Town of Burrillville, acting pursuant to the authority granted to Town Councils by RIGL §24-2-1 et seq., hereby declares that Guay Street in the Town of Burrillville is a Public Highway, said Guay Street is set forth in the plan, entitled:

Right of Way Plan

Guay Street

Burrillville, Rhode Island

Prepared For:

Town of Burrillville

105 Harrisville Main Street

Harrisville, Rhode Island 02830

Project No. 08-062 Scale: 1"=30'

Date: 09/08/08

Waterman Engineering Co

The Town Council finds that the lands constituting Guay Street has been or shall be quietly, peaceably, and actually used and improved and considered as a public highway for the space of twenty (20) years and are declared by the Burrillville Town Council to be a public highway, and are taken and considered as public highways to all intents and purposes as fully and effectively as if lands had been laid out, recorded and opened by the Town Council of the Town of Burrillville.

MOTION by Councilor Margaret L. Dudley.

**MOTION to amend the motion to show the revision date of 12/2/09, Limit of Acceptance Revised.
to the resolution.**

Amendment by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr.

The vote on the motion, as amended, was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

The resolution, as amended, was as follows:

**Resolution Declaring Guay Street
in the Town of Burrillville a Public Highway**

The Town Council of the Town of Burrillville, acting pursuant to the authority granted to Town Councils by RIGL §24-2-1 et seq., hereby declares that Guay Street in the Town of Burrillville is a Public Highway, said Guay Street is set forth in the plan, entitled:

Right of Way Plan

Guay Street

Burrillville, Rhode Island

Prepared For:

Town of Burrillville

105 Harrisville Main Street

Harrisville, Rhode Island 02830

Project No. 08-062 Scale: 1"=30'

Date: 09/08/08

12/2/09 Limit of Acceptance Revised

Waterman Engineering Co

The Town Council finds that the lands constituting Guay Street has been or shall be quietly, peaceably, and actually used and improved and considered as a public highway for the space of twenty (20) years and are declared by the Burrillville Town Council to be a public highway, and are taken and considered as public highways to all intents and purposes as fully and effectively as if lands had been laid

out, recorded and opened by the Town Council of the Town of Burrillville.

Adopted as a resolution this 13th day of January 2010

A. VOTED to adjourn the public hearing at 7:19 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-005 Relative to considering and acting upon amendments to the Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 4 entitled Animals

Note: The notice of hearing was advertised in the legal section of the Woonsocket Call on Friday, January 7, 2010.

B. Comments/Input/Recommendation from the Ordinance Subcommittee

Councilor Margaret L. Dudley, Chair, Ordinance Subcommittee, reported that the subcommittee had considered the proposal at several meetings. Councilor Dudley stated that the proposal

represents a comprehensive overhaul of the ordinance entitled Animals. Councilor Dudley indicated that the Subcommittee recommended adoption of the proposed changes.

C. Comments/Input/Recommendations by the Administration

Michael C. Wood, Town Manager, reported that the current ordinance had become outdated and was no longer in compliance with state law. Mr. Wood indicated that the Animal Control Officers had been consulted in preparing the proposal. Mr. Wood said that the administration had also recommended enabling legislation to allow the Town Council to address fines, fees, and the manner of managing violations. Council President Nancy F. Binns said that the proposal addresses illegal importing and possession of exotic pets and in many areas mirrors current state law.

D. Proponents: none

E. Opponents: none

F. VOTED to close the public hearing.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M.

Karmozyn Jr. and Norman C. Mainville.

G. Town Council Members Comments/Input/Deliberation: None

H. VOTED to adopt amendments to the Revised General Ordinances, Town of Burrillville, RI., 2004, Chapter 4 entitled Animals, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Burrillville Code of Ordinances, Chapter 4 entitled Animals is hereby repealed in its entirety and replaced with the following:

CHAPTER 4 – ANIMALS

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control officer means any person employed by the town as an officer for enforcement of animal control laws and regulations and shall include any police officer of the town.

Animal shelter means any premises designated by action of the town for the purpose of impounding and caring for animals.

At large means any dog or other animal when it is off the property of its owner and not under restraint of a competent person.

Exposed to rabies means a person, dog or other animal has been bitten by or exposed to any animal or creature known to have been infected with rabies.

Guardian means a person who possesses, has title to or an interest in, harbors or has control, custody or possession of an animal and who is responsible for an animal's safety and well-being.

Kennel, Commercial means any structure/operation used for the breeding, boarding, training, dealing, or providing foster or respite care, or for any purpose harboring of more than three dogs or puppies, for business or adoption/placement purposes.

Kennel, Non-Commercial means any structure/ operation, including but not limited to hobby breeders as defined in RIGL 4-19-2, used for the shelter of more than three dogs kept for personal purposes rather than for pecuniary gain.

Owner means any person, group of persons, corporation, association, partnership, or company owning, keeping or harboring a dog or other animal.

Restraint means that an animal is controlled by leash or other appropriate restraining device and/or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper.

Shelter means a structure used to house any animal which will provide sufficient protection from elements for the health and well-being of the animal.

Sec. 4-2. Exemptions.

Hospitals, clinics and other premises operated by licensed

veterinarians for the care and treatment of animals shall be exempt from the provisions of this chapter except where expressly stated.

Sec. 4-3. Enforcement.

The provisions of this chapter shall be enforced by the animal control officer or by any police officer of the town.

Sec. 4-4. Penalty.

Except as otherwise provided in this chapter, any person guilty of violating any provision of this chapter may be punished by the payment of a fine of \$10.00 for the first offense, \$15.00 for the second offense within a year, \$25.00 for the third and any subsequent offense within a year, to be recovered by action of debt, or by complaint and warrant, to be recovered for the use of the town, and if such violation is continued, each day's violation may constitute a separate offense.

Sec. 4-5. Authority of officers to enter premises, remove animal.

In the discharge of the duties imposed by this chapter the animal control officer or any police officer of the town shall have the authority at all reasonable times to enter upon any premises, but not the authority to enter a residence on the premises, to examine a dog or other animal with regard to any alleged violation of this chapter. Such officer shall have the further authority to take possession of any such dog or other animal and remove it from the premises.

Sec. 4-6. Interference with enforcement.

No person shall interfere with, hinder or molest the animal control officer or any police officer of the town in the performance of his/her duties, or seek to release any animal in the custody of the animal control officer or any police officer except as herein provided.

Sec. 4-7. Creation of nuisance.

(a) Noise disturbance. The keeping or harboring by any person of any dog, or other animal or fowl, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys the peace of citizens in the immediate area is unlawful, and is hereby declared to be a public nuisance.

(b) Failure to restrain animal. It shall be unlawful for any owner of any animal excepting felines to fail to restrain an animal so the animal shall trespass on private or public property and damage or destroy any property or thing of value. This violation is hereby declared to be a nuisance and such animal shall be impounded by the animal control officer and may be disposed of in accordance with §4-69.

(c) Complaint procedure. Complaints made under the provisions of this section shall be made to the police department or animal control officer, who will investigate the complaint. If the animal control officer finds the animal is a habitual nuisance by reason of trespassing, howling, barking or other noise, or damage to property, or in any other manner causing undue annoyance, he/she shall serve written notice upon the owner or custodian that such nuisance shall be abated within three days.

If such nuisance is not abated within three days, the owner shall be found in violation of this chapter and subject to penalties provided in §4-4. Subsequent offenses may result in the impoundment of the animal and disposal in accordance with §4-69.

Sec. 4-8. Keeping of horses, cattle, swine, fowl, etc.

(a) No person shall own or have under his/her care any horse, goat,

swine, sheep cattle or other livestock, except as may be expressly permitted by the zoning ordinance.

(b) No person shall own or have under his/her care any hens or other fowl except as may be expressly permitted by the zoning ordinance.

Sec. 4-9. Disposal and surrender fees.

(a) Any person contemplating or desiring to surrender, transfer, convey for purposes of adoption or otherwise dispose of any domestic animal with the town, at the animal control officer's discretion may pay to the animal control officer a fee as set forth in the animal disposal fee schedule, for purposes of administrative costs. The amount of such fees shall be set from time to time by the town council and the schedule of such fees shall be on file in the town clerk's office.

(b) Fees listed in the animal disposal fee schedule shall be separate and distinct from any other fees pursuant to any ordinance concerning licensing or other regulatory matters for animals within the town.

Sec. 4-10. Confinement of certain dogs.

(a) The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog and shall not take such dog out of the building or secure enclosure unless such dog is securely muzzled and leashed.

(b) Every female dog or other animal in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner that the female dog or other animal cannot come in contact with another dog or animal except for intentional

breeding purposes.

(c) Any dog described in this section and found at large shall be impounded by the animal control officer and may not be reclaimed by the owner unless such reclamation is authorized by the animal control officer or any court having jurisdiction and suit is commenced and notice given before five days have elapsed.

Sec. 4-11. Cruelty to Animals

(a) Mistreatment of Animals.

(1) All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any person to subject, or cause to be subjected, any animal to cruel treatment. It shall likewise be unlawful for any person to deprive, or cause to be deprived, any animal of adequate food and water, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions.

(2) Adequate food, water and shelter shall be provided as follows:

- i. All animals shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.**
- ii. All animals shall have access to a constant supply of clean, fresh water.**
- iii. All animals shall be provided with adequate shelter from the weather and humanely clean conditions at all times.**

(3) Medical care. It shall be unlawful for any person in contact with or having knowledge of a sick, diseased or injured animal to fail or

refuse to provide proper medical treatment for the animal or notify the animal control officer of the condition.

(b) Cruel treatment. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat or treat, needlessly mutilate or kill, wound, injure, poison, abandon or subject any animal to conditions detrimental to its health or general welfare or to procure any such actions to be inflicted upon any animal. Examples of cruel treatment include but are not limited to the following:

(1) Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.

(2) Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.

(3) Allowing a dog, cat or other domesticated pet to be left outside in inclement weather or extreme temperatures without adequate shelter.

(4) Intentionally allowing animals to engage in a fight.

(5) Allowing animals to live in unsanitary conditions.

(6) Allowing animals to live in crowded conditions.

(7) Failure or refusal to obtain medical treatment for an animal when, in an animal control officer's opinion, such treatment is needed.

(8) Using lethal force against an animal, either on or off the owner's property, unless the animal is in the act of attacking and causing severe injury to a human being or any other domestic animal.

(c) Impoundment. It shall be the duty of the animal control officer to seize and impound, subject to the provisions of this chapter, all animals that have been subjected to cruel treatment as defined herein

whether such animal shall be in the immediate custody of its owner or otherwise. The animal control officer shall provide for suitable care, including medical care, as he/she deems necessary. Any animal impounded under the provisions of this section may not be reclaimed unless such reclamation is authorized by the animal control officer.

(d) Penalties.

(1) Animal or animals owned or harbored by persons found in violation of this section shall be surrendered to the animal control officer; and/or

(2) any person violating the provisions of this section shall be subject to fines as provided in §4-4; and/or

(3) any person violating the provisions of this section may, at the discretion of the animal control officer, be cited to appear before the Burrillville Municipal Court, and, upon conviction, said owner shall be fined in accordance with §11-5 of the ordinances of the Town of Burrillville.

(4) Any person violating the provisions of this section shall reimburse the Town of Burrillville for expenses incurred in providing care required by this section.

Sec. 4-12. Wild/Exotic Animals

Importing and/or possession of certain wild/exotic animals, as defined by the Rhode Island DEM Rules and Regulations Regarding Wild Animal Importation and Possession, are subject to permitting in accordance with rules and regulations promulgated by the Department of Environmental Management (DEM). The owner of any such wild/exotic animal that is found in the town and which has not

been permitted by DEM shall be subject to a penalty of \$500.00, and confiscation as required by DEM.

ARTICLE II. DOGS

Sec. 4-36. Dogs belonging to nonresidents.

The licensing and vaccination requirements of this chapter shall not apply to any dog belonging to a nonresident of the town and kept within the town for not longer than 15 days, provided any such dog at all times while in the town is kept within a building, enclosure or vehicle or is under restraint by the owner or guardian.

Sec. 4-37. Restraint.

(a) The owner shall keep his/her dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless under the leash control of a person competent to handle the dog.

(b) Any dog which has been used for hunting purposes and becomes separated from the owner or person in charge of the dog, while directly engaged in or returning from the hunt, shall be exempt from subsection (a) of this section, provided that:

(1) The dog is properly licensed prior to the hunt.

(2) The hunter reports that the dog is missing to the dog officer within 24 hours after the hunt is terminated.

(3) The missing dog is recovered within 48 hours after the hunt is terminated.

Sec. 4-38. Impoundment, disposition of certain dogs.

(a) Impoundment of dog at large. Any dog found running at large shall be seized by the animal control officer and impounded in the animal shelter and there confined in a humane manner for a period of not less than ten days.

(b) Ownership known. When a dog is found running at large and its ownership is known to the animal control officer, such dog need not be impounded but the officer may cite the owner of such dog for violation of this chapter.

(c) Notice of seizure. Immediately upon impounding any dog, the animal control officer shall make every possible reasonable effort to notify the owner of the dog and inform him/her of the conditions whereby he/she may regain custody of such dog.

(d) Redemption. The owner shall be entitled to regain possession of any impounded dog except as hereinafter provided in the case of certain dogs upon payment of the required fines and impoundment fees. Proof of ownership may include a license receipt, affidavits of neighbors or a photograph.

(e) Disposition of unclaimed dogs. Dogs not claimed by their owners before the expiration of ten days may be disposed of in accordance with §4-69.

Sec. 4-39. Vaccination.

(a) Required. No dog shall be permitted within the town limits unless it is vaccinated or immunized in the manner set forth in the rules and regulations governing the suppression of rabies promulgated by the Rhode Island Rabies Control Board.

(b) Certificate prerequisite to license. No license shall be issued for

any dog required to be licensed in the town unless the person making application therefor first presents to the town clerk's office a current certificate of vaccination or inoculation for the dog for which such license is requested. Such certificate shall certify that the dog for which the license is to be issued has been properly vaccinated or inoculated in accordance with the provisions of this section.

(c) Any dog found within the limits of the town without evidence that such dog has been vaccinated or inoculated in accordance with the provisions of this section shall be impounded by the animal control officer or any police officer of the town or other authorized person for a period not exceeding ten days, during which time such dog may be returned to its owner upon proof of ownership, vaccination of the dog and payment by the owner of the required fines and fees. At the expiration of the ten-day period, any dog not claimed by its owner may be disposed of in accordance with §4-69.

Sec. 4-40. Dogs not allowed on school property, in stores or eating places; exception.

(a) No dogs shall be allowed in schoolyards or on school property whether at large or under restraint with the exception of working dogs trained to assist disabled individuals.

(b) No dogs shall be allowed in any stores or eating places within the town whether at large or under restraint with the exception of working dogs trained to assist disabled individuals.

Sec. 4-41. Number restricted.

It shall be unlawful to keep more than three (3) licensed dogs at a single-family residence and more than two (2) licensed dogs per

dwelling unit at a multifamily residence, unless the person has applied for and received a kennel license as provided in this chapter. Owners of dogs that are legally licensed at the adoption of this provision shall be exempt while they remain the owners of those particular dogs.

Sec. 4-42. Kennel license.

(a) Application.

(1) Non-Commercial Kennel Licenses. Every owner or keeper of more dogs than allowed by §4-41 shall make application to the town council for a non-commercial kennel license on a form provided by the office of the town clerk. The application shall require, at a minimum

- i. name of the owner and keeper of such kennel
- ii. number, identification and rabies certificate for each dog to be kept therein
- iii. proposed specific location at which the dogs will be sheltered
- iv. copy of zoning resolution granting special permit

(2) Commercial Kennel Licenses. Every owner, guardian or keeper of a commercial kennel, as defined herein, shall make application to the town council for a commercial kennel license on a form provided by the office of the town clerk. The application shall require, at a minimum,

- i. name of the owner and keeper of such kennel
- ii. number, identification and rabies certificate for each dog and/or puppy to be kept therein, if applicable
- iii. proposed specific location at which the dogs and/or puppies will

be sheltered

1. A commercial kennel is to be in a structure separate from other structures; and

2. That structure is to be buffered from abutters' property lines by at least 100 feet, unless the Town Council waives this provision for good cause shown.

iv. copy of zoning resolution granting special permit

v. affidavit that owner is a breeder or annual exhibitor of thoroughbred dogs as provided in RIGL §4-13-10 or a copy of the certificate of registration or license granted by DEM in accordance with RIGL §4-19-4 through 4-19-7.

(b) Public hearing required. Before considering granting a new kennel license, the town council shall give notice of a public hearing by advertisement published once in a newspaper having a general circulation in the town. The advertisement shall contain date, time and location of the hearing on the application, the name of the applicant and the location for which the license is requested.

Notice of the application shall also be given, by mail, to all owners of property abutting the premises of the proposed kennel. The notice shall be given by the town council and the cost of the application shall be borne by the applicant.

(c) Inspection. The location at which the kennel is proposed shall be inspected by the animal control officer, who shall submit a report for the town council's consideration.

(d) Determination. After public hearing, if the town council shall deem that such kennel and the use and operation thereof at such location

would not constitute a health hazard or a public nuisance, it may grant a kennel license authorizing the owner or keeper to keep such kennel in the definite location to be specified in such license, upon the payment by such applicant of the current license fee. Upon recommendation of the animal control officer, the town council may require that the non-commercial kennel be in a structure separate from other structures and stipulate an appropriate buffer from the abutter's property lines.

(e) Every kennel license is for a period not exceeding one year and expires on the first day of April.

(f) Renewal. Every holder of a kennel license may make renewal application to the town clerk annually before the first day of April on a form provided by the town clerk's office. At the request of the Town Clerk, the animal control officer will inspect the kennel in accordance with §4-5 of this chapter. If the town clerk, with advice of the animal control officer, deems that the kennel has not constituted a public nuisance, he/she shall renew the kennel license upon the payment of current license fee.

(g) Any person found in violation of this section shall be cited to appear before the Burrillville Municipal Court, and, upon conviction, said owner shall be fined in accordance with §11-5 of the ordinances of the Town of Burrillville.

(h) Show cause hearings.

(1) If the animal control officer finds that a nuisance exists at a location for which a kennel license has been issued either through a complaint filed as described in §4-7(c) or in the conduct of his/her

duties, he/she may request that the town council hold a show cause hearing to determine if a violation has occurred.

(2) The kennel license holder shall be served with a notice of the day and time of any such hearing. The notice shall identify the infraction in detail.

(3) The license holder has the right to be present at any such hearing, to be represented by counsel if he/she so chooses, to cross-examine witnesses and to present sworn testimony on his/her own behalf.

(4) After hearing, the town council may, if it finds that a violation has occurred, take disciplinary action against the license holder, including, but not limited to, suspension and/or revocation of the license.

Sec. 4-43. Vicious dogs.

If the animal control officer or law enforcement officer has probable cause to believe that a dog is vicious, the animal control officer or his/her immediate supervisor or the chief of police, or his/her designee, shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. Such hearing shall be in accordance with the procedures as set forth in G.L. 1956, §4-13.1-11.

Sec. 4-44. Dog waste.

(a) It shall be unlawful for any person to fail to promptly remove and dispose of, in a sanitary manner, feces left by a dog being handled by that person on property, public or private, other than the premises of the owner or handler of such dog.

(b) The provisions of this section shall not apply when the dog

involved is a working dog trained to assist disabled individuals.

ARTICLE III. IMPOUNDMENT

Sec. 4-66. Animals other than dogs.

Any animal other than a dog found running at large within the town limits may be impounded or disposed of according to law when such action is required either to protect the animal or to protect the residents of the town.

Sec. 4-67. Reclaiming generally.

Any animal impounded under the provisions of this article may be reclaimed by the owner upon the payment of fines and fees.

Sec. 4-68. Reclaiming nuisance animals.

Any dog or other animal may be reclaimed the first time it is impounded for being a public nuisance upon payment of all fines and fees. However, such animal may not be reclaimed when so impounded on a second or subsequent occasion unless such reclamation is authorized by the animal control officer or by a court having jurisdiction in the matter and suit is commenced and notice given before five days have elapsed.

Sec. 4-69. Disposition of unclaimed animals.

Any dog or other animal impounded under the provisions of this article and not reclaimed by its owner within ten days may be placed in the custody of another licensed releasing agency; in the custody of some person deemed to be a responsible and suitable owner and who agrees to comply with the provisions of RIGL 4-19-16, this chapter and such other regulations as shall be established; or

humanely destroyed by the animal control officer.

Sec. 4-70. Destruction of certain animals.

When in the judgment of the animal control officer, any police officer or a licensed veterinarian, an animal should be destroyed for humane reasons, such animal may not be reclaimed.

Sec. 4-71. Impoundment fees.

Any animal impounded under this article may be reclaimed as provided in this article upon payment by the owner to the animal control officer of the current general impoundment fee and the additional daily maintenance fee for each day such animal is kept after the expiration of the legal detention period. Such fees shall be collected by the animal control officer and turned over to the town clerk, who shall deposit same with the town treasurer.

Sec. 4-72. Records.

The animal control officer shall keep or cause to be kept accurate and detailed records of the impoundment and disposition of all animals coming into his/her custody.

ARTICLE IV. RABIES CONTROL

Sec. 4-96. Causes and conditions of quarantine.

Every animal which bites a person shall be promptly reported to the animal control officer, shall be securely quarantined or placed on strict confinement in accordance with the rules and regulations governing the suppression of rabies promulgated by the Rhode Island Rabies Control Board.

Sec. 4-97. Surrender of animal.

(a) Upon demand by the animal control officer the owner shall surrender any animal which has bitten a human or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner.

(b) Owner of a dog that has bitten a human while at large shall be cited to appear before the Burrillville Municipal Court, and, upon conviction, said owner shall be fined in accordance with §11-5 of the ordinances of the Town of Burrillville.

(c) The animal may be reclaimed by the owner if it is adjudged free of rabies, upon payment of quarantine and daily maintenance fees and proof of payment of fines imposed by the Burrillville Municipal Court .

(d) If the animal control officer determines that a vicious dog hearing will be held in accordance with Sec. 4-43, said animal will remain in the custody and care of the animal control officer pending the outcome of the hearing.

Sec. 4-98. Death of animal under observation.

Any suspect rabid animal that dies during quarantine shall be tested for rabies in accordance with the rules and regulations governing the suppression of rabies as promulgated by the Rhode Island Rabies Control Board.

Sec. 4-99. Destruction or isolation of bitten dogs.

Dogs bitten by a known rabid animal shall be immediately destroyed or, if the owner is unwilling to destroy the exposed animal, strict isolation shall be enforced in accordance with the rules and regulations governing the suppression of rabies as promulgated by the Rhode Island Rabies Control Board.

Sec. 4-100. Compliance; cooperation with officers.

(a) No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies or any animal biting a human except as provided in this article, nor remove such animal from the town limits without written permission from the animal control officer.

(b) The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer upon demand.

(c) The animal control officer shall direct the disposition of any animal found to be infected with rabies.

(d) No person shall fail or refuse to surrender any animal for quarantine or destruction as required in this article when demand is made therefor by the animal control officer.

Sec. 4-101. Reports of bite cases.

(a) Every physician or other medical practitioner shall report to the animal control officer or the police department the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

(b) The animal control officer shall keep or cause to be kept accurate and detailed records of all bite cases reported to him/her and his/her investigation of the same.

Sec. 4-102. Responsibilities of veterinarians.

Every licensed veterinarian shall report any suspect rabid animal residing or found within town limits to the animal control officer.

Adopted this 13th day of January 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

I. MOTION to adjourn the public hearing at 7:23 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

8. Unfinished Business: None

9. New Business:

10-006 VOTED to open the correspondence from Kevin Bliss, Owner, Crystal Lake Golf Course, regarding his request for a five-year tax stabilization.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors

Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Discussion: Michael C. Wood, Town Manager, recalled that the Town Council had approved a five-year tax stabilization program for Crystal Lake Golf Course and that the owner, Kevin Bliss was asking for consideration to extend the relief. Mr. Bliss noted that when the Town Council had established the program, he had been informed that he could request an additional five years.

VOTED to refer the matter back to the Town Manager, the Finance Assessor's Office, as needed.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-007 VOTED to refer to the Ordinance Subcommittee the correspondence of Colonel Bernard E. Gannon regarding requests for stop signs.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F.

Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-008 VOTED to adopt the resolution relative to RIGL §44-3-30 entitled Burrillville – Property taxation of electricity generating facilities located in the town, as follows, and to make sure our legislative delegation gets copies of it so that they vote it correctly:

Resolution Supporting Legislation

Amendments to §44-3-30.

**Burrillville – Property Taxation of
Electricity Generating Facilities Located in the Town.-**

WHEREAS, at the Regular Meeting of the Burrillville Town Council held on Wednesday, January 13, 2010 at 7:00 P.M. in the Council Chamber, Town Building, and at which time a quorum was present and acting throughout, the Town Council supported an Act to Amend R.I. General Laws §44-3-30 entitled “Burrillville - Property taxation of electricity generating facilities located in the town”.

NOW THEREFORE BE IT RESOLVED that §44-3-30 entitled “Burrillville - Property taxation of electricity generating facilities located in the town” is hereby amended to read as follows:

Notwithstanding any other provisions of the general laws to the contrary, the town council of the town of Burrillville is authorized to

determine, by ordinance or resolution, an amount of taxes to be paid each year on account of real or personal property used in connection with any facility for the generation of electricity located in the town, notwithstanding the valuation of the property or the rate of tax. The determination is for a period not to exceed twenty-five (25) years. The town council of the town of Burrillville is authorized to extend the determination by ordinance or resolution. The extension shall be for a period not to exceed an additional twenty (20) years.

This act shall take effect upon passage.

PASSED AS A RESOLUTION of the Burrillville Town Council this 13th day of January 2010

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees.

Discussion: The purpose of the proposed legislation was to ask the legislature to extend the statute that allowed the town to negotiate the agreement with Ocean State Power.

The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-009 VOTED to open discussion of a resolution relative to deferred compensation plans.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Discussion: In response to questions by Councilor Dudley about the resolution, John P. Mainville, Finance Director, said that the town would not acquire liability if a loan were to be in default. Mr. Mainville indicated that the limitations of the loans would be subject to IRS rules. Councilor Norman C. Mainville discussed the process. The resolution was identified as a clarification of practices that have been in place.

VOTED to adopt the resolution relative to deferred compensation plans, as follows:

Burrillville Town Council Resolution

Providing that Deferred Compensation Plans

Will Permit Loans

WHEREAS, the Town of Burrillville has employees rendering valuable services; and

WHEREAS, the Town of Burrillville has allowed its employees to

participate in deferred compensation plans which serves the interest of the Town by enabling it to assist in providing reasonable retirement security for its employees, by providing flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the Town has determined that permitting participants in the deferred compensation plans to take loans from those plans will assist in serving those objectives.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Burrillville that the deferred compensation plans will permit loans.

Adopted this 13th day of January 2010

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-010 VOTED to receive with regret the correspondence from L. Kevin McDonald regarding his resignation from the Budget Board and Recreation Commission.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville.

AMENDMENT to add: and to send a letter of thanks.

Amendment by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-011 VOTED to receive with regret the correspondence from Kurt Schatz regarding his resignation from the Recreation Commission, and to send a letter of thanks, and to refer to the Screening Subcommittee.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville.

Councilor John M. Karmozyn, Jr. noted that Mr. Schatz had served on the Recreation Commission for many years. Council President Nancy F. Binns echoed the recognition of Mr. Schatz's long and valued service to the Commission.

The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-012 Correspondence from Councilor Norman C. Mainville, Screening Subcommittee Chair, regarding the Subcommittee's recommendations.

VOTED to change the status of Daniel P. Joubert from alternate member to full member of the Budget Board to complete the unexpired term of L. Kevin McDonald; term to expire June 30, 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr.

Councilor Norman C. Mainville, Chair of the Screening Subcommittee, noted for the record that the chairman of the Budget Board had recommended the appointment.

The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

VOTED to appoint Hubert Cournoyer and Nathan St. Pierre as alternate members of the Budget Board to complete unexpired terms; terms to expire June 30, 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, six in favor, one opposed. Voting

in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville. Councilor Margaret L. Dudley voted in opposition.

Councilor Margaret L. Dudley asked that the record reflect that she did not feel the two best candidates were put forth.

VOTED to appoint Timothy Pratt as an alternate member of the Recreation Commission for a term to expire May 31, 2010.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

VOTED to appoint Irene Smith as a member of the Burrillville Sewer Commission for a term to expire June 30, 2010.

Motion by Councilor John M. Karmoyzn, Jr. Seconded by Councilor Wallace F. Lees.

Councilor Wallace F. Lees noted that the intention of the Subcommittee was to recommend a term to expire June 30, 2011.

AMENDED MOTION to appoint Irene Smith as a member of the Burrillville Sewer Commission for a term to expire June 30, 2011.

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

VOTED to appoint William Peterson as a member of the Burrillville Sewer Commission for a term to expire June 30, 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

VOTED to appoint Richelle Wheeler to the Burrillville Extended Care Board of Directors to complete a three-year term to expire June 30, 2012.

Motion by Councilor Kevin D. Heitke. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M.

Karmozyn Jr. and Norman C. Mainville.

Councilor Wallace F. Lees noted for the record that Cheri R. Hall, Director of Parks & Recreation, had been present at the Subcommittee meeting and had recommended the appointment of Ms. Wheeler. Councilor Norman C. Mainville explained the Screening Subcommittee's practice of inviting the Committee Chairmen and/or their representatives to sit at interviews.

10-013 VOTED to confirm the appointment of Royal Laurent to the Redevelopment Agency to complete an unexpired two-year term; term to expire July 31, 2011.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-014 VOTED to appoint William Guertin to be town tree warden for 2010, subject to the approval of the Director of the Department of Environmental Management.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors

Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-015 VOTED to approve abatements in the amount of \$63,518.15 for the period covering March 1, 2009 to December 31, 2009.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

VOTED to receive and file additions in the amount of \$42,356.28 for the period covering March 1, 2009 to December 31, 2009.

Motion by Councilor John M. Karmozyn Jr. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-016 VOTED to table the correspondence from Michael C. Wood, Town Manager, regarding the award for the Whipple Avenue Landfill project.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor

Robert A. Bishop. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Discussion: Michael C. Wood, Town Manager, had asked that the item be tabled to a future meeting. Mr. Wood indicated that the request would be to add a contingency amount to the Whipple Avenue landfill project and asked that the agenda item clearly indicate that fact.

10. Town Clerk/Communication:

10-017 VOTED to open a copy of correspondence from Michael W. Field, Special Assistant Attorney General, Department of Attorney General, regarding OM 09-18, Blais v. Burrillville Town Council.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Discussion: Michael C. Wood, Town Manager, commented on the legal and administrative expense associated defending against Mr. Blais complaints, noting that the town has consistently prevailed. Mr. Wood indicated that more rulings on additional complaints are

expected.

VOTED to receive and file.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-018 VOTED to receive and file the correspondence from Jason M. Rhodes, Director, Burrillville Emergency Management Agency, regarding an update on dispensing H1N1 vaccine.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-019 Correspondence from Kathleen Viera Beaudoin, Town Clerk of the Town of Portsmouth, regarding the Portsmouth Town Council's resolution in opposition to House Bill 5931 and Senate Bill 606 related to the "Madeline Walker Bill".

VOTED to receive and file.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr.

No vote was taken.

VOTED to open.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Discussion: Councilor Margaret L. Dudley noted that the resolution mirrored the resolution submitted earlier by the Gloucester Town Council. Councilor Dudley suggested that the propositions set forth are contrary to the ultimate resolution. Councilor Heitke noted that the item had been tabled as moot.

Michael C. Wood, Town Manager, noted that the Rhode Island League of Cities & Towns had put forth proposed legislation to provide budget management tools to the municipalities. Mr. Wood encouraged the Councilors to support those issues when talking to legislators. Mr. Wood discussed the importance of flexibility to be in a position to handle upcoming budget issues.

VOTED to receive and file.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Point of Order. Councilor Norman C. Mainville suggested that discussion is appropriate when a motion is on the floor, even when the motion is to “receive and file”.

11. Additional New Business:

10-020 VOTED to grant the request for executive session from Michael C. Wood, Town Manager pursuant to Rhode Island Open Meeting Law [§42-46-5(a)(2)] to consider and discuss collective bargaining between the Town of Burrillville and the Fraternal Order of Police Burrillville and [§42-46-5(a)(2)] for discussions related to a matter of potential litigation.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M.

Karmozyn Jr. and Norman C. Mainville.

There was a recess at 7:46 P.M. before executive session.

The Council returned to open session at 8:20 P.M.

VOTED to seal the minutes of executive session, noting that one vote had been taken.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

12. VOTED to adjourn at 8:20 P.M. in memory Mason Boltrushek.

Motion by Councilor Kevin D. Heitke. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk